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SUBJECT: SPLM Describes Successes in Negotiations

CLASSIFIED BY: Robert E. Whitehead, Charge d'Affaires; REASON:
1.4(B), (D)

11. (C) Summary: In a February 21 meeting, Government of Southern Sudan (GOSS) Vice President Riek Machar told Special Envoy Gration that the SPLM had reached agreement with the NCP for 40 additional seats in the National Assembly for the South, four for South Kordofan and two for Abyei. They had also agreed to conduct a new census in Southern Kordofan, and to conduct only national executive branch and legislative elections until the census results are in and state legislative constituencies can be redrawn, after which state executive and legislative elections would be held. They also agreed to accept the North-South Border commission's report delimiting more than 80 percent of the border and instructed the Commission to begin demarcation on the ground. Although agreement has been reached on the composition of the Southern Sudan and Abyei Referendum and Human Rights Commissions, chairmen and vice chairmen had still not been decided for the Abyei and Human Rights Commissions. With the issuance of the Presidential resolution on post-referendum arrangements, the parties will focus on post-2011 and the border. The SPLM refused to withdraw Yasir Arman as the Sudan People's Liberation Movement (SPLM) candidate for the presidency. End Summary.

Resolution of Census, Southern Kordofan Issues Reached

12. (C) Special Envoy Gration met February 21 with Government of Southern Sudan (GOSS) Vice President Riek Machar and other members of his high level negotiating team. Machar told the Special Envoy that north-south border demarcation commission had presented its report to the Presidency and it had been accepted as resolution of the vast majority of the border. The committee was instructed to proceed with demarcation on the ground and to prepare a report for the Presidency on areas of disagreement so that they could be resolved. On issues related to the census, they reached agreement to give an additional 40 seats to the South, four to Southern Kordofan and two to Abyei. In Southern Kordofan, the Governor and Deputy Governor had agreed to delay state-level elections until a new census could be conducted and demarcation of state constituencies could be redone. (Comment: The impact of a delay in state legislative elections on popular consultations, which require an elected legislature under the CPA, is not yet clear. End Comment) However, they decided that it would be unfair to have the state unrepresented in the National Assembly for the four months during which the census and constituency delimitation would take place. In turn, the National Electoral Commission (NEC), with National Congress Party (NCP) support, agreed to accept the forms of SPLM candidates for the National Assembly that had been withdrawn so that the SPLM participants in national level elections. Special Envoy Gration repeated the U.S. offer to assist

the border demarcation effort through technical assistance.

Chairs of Commissions Still Under Discussion

13. (C) With respect to the composition of the commissions, Machar said agreement has been reached on the Chairman for the Southern Sudan Referendum Commission, Mohammed Ibrahim Khalid, who is expected to accept. With regard to the Abyei Referendum Commission, the SPLM proposed the name of a candidate the NCP had earlier proposed for the chairmanship of the North-South Referendum Commission. However, the NCP declined to accept him for the Abyei position, so the chairmanship remains unresolved. For the Human Rights Commission, the SPLM had proposed a lawyer who is a member of the Democratic Union Party (DUP); it is not yet clear whether he is acceptable to the NCP. GOSs minister of Presidential Affairs Luka Biong Deng also noted that the NCP agreed on the composition and relative numbers for the NCP and SPLM on the various commissions, but had not come forward with names. Special Envoy Gration noted that any candidate for the Abyei Commission must be acceptable to the Misseriya as well as to the Dinka, and urged the committee to swiftly find a neutral candidate to propose for the position.

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Focus Now on Border, Post-2011

14. (C) From here on, Machar said, the focus will be on border and post-referendum issues. The President had issued a resolution to this effect, dated February 20. (Note: Machar provided the text of the resolution, which provides that the parties should use the spirit and experience of the Comprehensive Peace Agreement (CPA) in their work; and agree on a framework for discussion that will ensure Sudanese ownership of the process. End Note) The international community should play a role, Machar said, but the exact role has not yet been defined.

SPLM Stood Firm on Yasir Arman's Candidacy

15. (C) The Special Envoy asked how the SPLM had been able to secure such a large increase in the number of National Assembly seats. Machar replied that the NCP had tried to pressure the SPLM to withdraw Yasir Arman's name as SPLM candidate for the Presidency. The SPLM refused, Machar said, because their partnership with the NCP in the CPA is an equal partnership with equal opportunity. SPLM refused to accept the NCP's concept of unity, Machar said, and the person who truly represents unity is Yasir Arman. (Comment: It remains unclear what, if anything, the SPLM traded for this victory. End Comment)

Harmony In International Contributions to Post-2011

¶6. (C) Asked how the SPLM sees the interaction between the AU's Mbeki and his high level panel, the Intergovernmental Authority on Development (IGAD), UNMIS Special Representative of the Secretary General (SRSG) Haile Menkarios, and UNAMID Joint Special Representative (JSR) Gambari, Machar said he believed that they could all work together harmoniously. He noted that during the Naivasha process, the United States, the Troika, IGAD, the IGAD Partner's Forum, the Chief Mediator and the United Nations all played important roles.

¶7. (U) The Special Envoy's staff cleared this cable.
WHITEHEAD